

FILED IN CHAMBERS
U.S.D.C. - Atlanta

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NOV 22 2016

James H. Nathan, Clerk

NEMIAS CINTORA-GONZALEZ, :
:
Movant : CRIMINAL ACTION FILE NO.
: 1:12-CR-078-1-ODE-RGV
v. :
: CIVIL ACTION FILE NO.
UNITED STATES OF AMERICA, : 1:16-CV-3219-ODE-RGV
:
Respondent :

ORDER

This criminal case is before the Court on the Final Report and Recommendation of United States Magistrate Judge Russell G. Vineyard filed September 30, 2016 ("R&R") [Doc. 391]. No objections have been filed.

In the R&R, Judge Vineyard recommends that Movant's § 2255 motion be dismissed and that a certificate of appealability ("COA") be denied. Specifically, Judge Vineyard found that this 28 U.S.C. § 2255 motion is impermissibly successive and should be dismissed pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings ("Rule 4(b)"). In addition, a COA should be denied because it is not debatable that the § 2255 motion is impermissibly successive.

The Court having read and considered the R&R and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set forth in the R&R, Movant's § 2255 motion [Doc. 390] is DISMISSED pursuant to Rule 4(b), and a COA is DENIED.

SO ORDERED, this 21 day of November, 2016.


ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE